

EXAMINER INTERVIEW SUMMARY

A telephone Examiner Interview was carried out between Dana J. Zelazny and Examiner Bertram on August 9, 2006. Prior to the Examiner Interview, Examiner Bertram had been faxed a draft amendment of the claims for the purposes of the Examiner Interview only.

During the interview, claims 18 and 43 were discussed, as were the Worley and Shchervinsky references. Examiner Bertram agreed that the proposed amendment to claim 18 overcame the Worley reference. No agreement was made with respect to claim 43.

REMARKS/ARGUMENTS

Claims 18-65 are pending in this application, with claims 18-22, 24, 25, 31-40 and 42-50 rejected and claims 23, 26-30 and 51-65 withdrawn. Claim 41 is objected to as dependent upon a rejected base claim, but was acknowledged to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this Paper, claim 20 is canceled and claims 18, 21, 25, 35, 37, 41, 43 and 50 are amended.

Drawings

The drawings were objected to under 37 CFR 1.83(a). The Office Action stated that the loop structure at a connection point near an exit opening must be shown or the feature(s) canceled from the claim(s). Claim 35 has been amended to remove the reference to "loop structure." Reconsideration and withdrawal of the objection is respectfully requested.

35 U.S.C. §112

Claims 37 and 41 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 37 and 41 have been amended to provide antecedent basis for "the stop" and "the exit opening," respectively.

35 U.S.C. §102/§103

Worley

Claims 18-22 and 31 were rejected under 35 U.S.C. §102(b) as being anticipated by *Worley et al.* *Worley* describes a plunge electrode system including an electrode body, an anchor-introducer with tension line and a stylet. The anchor-introducer is the tip of a 21-gauge spinal needle modified by grinding away the barrel just proximal to the site where the bevel of the needle intersects the barrel so that a tail is constructed that begins at the bevel-barrel junction and tapers to a point. *See* Pg. H531 and Fig. 3. The stylet is attached to the tail of the anchor-introducer. *See* Pg. H531 and Fig. 3.

Amended claim 18 recites an anchor for abutting a surface of the heart having an attachment area, a tension element attached to the anchor, and a tool detachably coupled to the attachment area. Claim 18 further recites that the attachment area is formed of “a receiving aperture.”

Worley fails to teach or suggest that an anchor having an attachment area that is formed of “a receiving aperture” as recited in amended claim 18. *Worley* states only that “the stylet is attached to the tail of the anchor-introducer” and appears to show in Figure 3 that the stylet is inserted over the tail of the anchor introducer. Therefore, *Worley* fails to teach or suggest all of the features of claim 18. Claims 19, 22 and 31 depend from claim 18 and are therefore allowable for at least the reason discussed above with respect to claim 18. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 24 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Worley* in view of *Makower* (U.S. Pat. No. 6,491,707). Claims 39, 40 and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Worley* in view of *Wesebey et al.* (U.S. Pat. No. 3,244,174). Claims 24, 25, 39 and 40 depend from claim 18 and are therefore allowable for at least the reason discussed above with respect to claim 18. Claim 49 depends from claim 43, which has not been rejected in view of *Worley* (see Office Action at item 10). Reconsideration and withdrawal of the rejections is respectfully requested.

Shchervinsky

Claims 18, 32, 33, 35, 36, 38, 43, 44, 46-48 and 50 were rejected under 35 U.S.C. §102(e) as being anticipated by *Shchervinsky* (U.S. Pat. No. 6,941,174). *Shchervinsky* describes a bipolar temporary cardiac pacing wire 10 which is attached to the heart by inserting a curved needle 16 into the heart at a first site and then withdrawing the needle 16 from the heart, through the myocardium, at a second site. *See* Col. 3, lns. 64-64. The pacing wire 10 is maintained in position by an anchor 20 which abuts the myocardium. *See* Col. 3, lns. 65-67. The pacing wire has a pair of electrodes 22, 24 in the form of conductive bushings. The bushings 22, 24 are electrically connected to electrode wires 26, 28. *See* Col. 4, lns. 8-9.

Shchervinsky fails to teach or suggest that an anchor having an attachment area that is formed of “a receiving aperture” as recited in amended claim 18. Thus, *Shchervinsky* fails to teach or suggest all of the features of claim 18. Claims 32, 33, 35, 36 and 38 depend from claim 18 and are therefore allowable for at least the reason discussed above with respect to claim 18. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 34 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Shchervinsky* in view of Official Notice. Claim 34 depends from claim 18 and is therefore allowable for at least the reason discussed above with respect to claim 18. Reconsideration and withdrawal of the rejection is respectfully requested.

Amended claim 43 is directed to an apparatus for inserting an electrode into a myocardium of the heart including a first heart pacemaker electrode defining an inner guide channel to “movably accommodate the tension element therethrough.” Amended claim 50 is also directed to an apparatus for inserting an electrode into a myocardium of the heart and likewise recites an electrode defining an inner guide channel to “movably accommodate the tension element therethrough.”

Shchervinsky fails to teach or suggest an electrode defining an inner guide channel to “movably accommodate the tension element therethrough” as recited in claims 43 and 50. Rather, *Shchervinsky* merely notes that the electrodes 22, 24 are in the form of conductive “bushings” that are electrically connected to wires 26, 28. *See* Col. 4, lns. 8-9. Claims 44 and 46-48 depend from claim 43 and are therefore allowable for at least the reason discussed above with respect to claim 43. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 45 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Shchervinsky* in view of *Worley*. Claim 45 depends from claim 43 and is therefore allowable for at least the reason discussed above with respect to claim 43. Reconsideration and withdrawal of the rejection is respectfully requested.

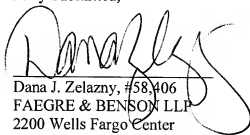
CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

The fee for a One-month Extension of Time is included. Should any additional fees be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event, is requested to notify us of the same.

Respectfully Submitted,

By:



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